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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/608,129 | 06/30/2000 | Evan F. Wies | IMMIP104 | 2148 |

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| EXAMINER |
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VU, THONG H

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| ART UNIT | PAPER NUMBER |
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2142

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,129

Applicant(s)

WIES ET AL.

Examiner

Thong H Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.6
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. New claims 46-72 are pending.
2. Applicant canceled claims 1-45 and added new claims 46-72. Thus the final action is appropriated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 46-72 are rejected under 35 U.S.C. § 103 as being unpatentable over Mitchell et al [Mitchell 6,349,301 B1] in view of Rosenberg et al [Rosenberg 6,342,880 B2]
4. As per claim 46, Mitchell discloses a chat session transmitting the chat message to a network wherein the participants are represented by avatars [Mitchell, col 12 lines 50-67]. The avatar may be represented by a different types of data including graphic, image, video, audio, force feedback (i.e.: force information). Thus, the avatar on the chat room received the chat signal or chat message as a force information.

However Mitchell does not explicitly, detail a force information, in a chat message, being configured to cause a haptic sensation to be output (i.e.: action) when the chat message is delivery to a client machine

It was well-known in the art that the avatar or force feedback device receives a sensor data, command, control signal, force information from selected participants

which causes a haptic sensation output [see Rosenberg'626 ,col 17 lines 40-50;
Haanpaa col 2 lines 36-50; Rosenberg'880 col 30 line 49-col 33 line 11]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the technique of control the output of a haptic sensation by using a electronic signal, message, control signal, command as taught by Rosenberg into the Mitchell's apparatus in order to utilize the haptic feedback data and chat message. Doing so would provide the security, quick and simple process to communicate on the chat session.

5. As per claims 18,39 contains the similar limitations set forth of claim 1. Therefore, claims 18,39 are rejected for the similar rationale set forth in claim 1.

6. As per claims 47,63 Mitchell-Rosenberg disclose code to receive the chat message via a chat interface as inherent feature of chat message.

7. As per claims 48,64 Mitchell-Rosenberg disclose receiving a haptic effect selected from a plurality of haptic effects in the chat interface and associating the force information with the selected haptic effect.

8. As per claim 49, Mitchell-Rosenberg disclose the plurality of haptic effects is graphically represented by a plurality of button [Rosenberg, buttons, col 10 lines 34-47; col 11 lines 37-65].

9. As per claims 50,65 Mitchell-Rosenberg disclose associating the force information with a command input to the chat interface as inherent feature of chat message.
10. As per claims 51,66 Mitchell-Rosenberg disclose the force information includes a force command, the force command configured to instruct the output of the haptic sensation associated with the delivery of the chat message as inherent feature of chat message.
11. As per claim 52, Mitchell-Rosenberg disclose the force information includes a network address (i.e.: location), the network address being associated with a network location storing a library of haptic sensations [Mitchell location, col 4 lines 62-67].
12. As per claim 53, Mitchell-Rosenberg disclose the force information includes data characterizing the haptic sensation to be output [Rosenberg, col 16 lines 5-15].
13. As per claims 54,60,67,72 Mitchell-Rosenberg disclose including a sound information in the chat message, the sound information configured to cause an auditory effect to be output when the chat message is delivered to a client machine as inherent feature of chat message.

14. As per claims 55,61 Mitchell-Rosenberg disclose the network includes one of a local area network (LAN), a wide area network (WAN), a wireless network, a computer network, a telephone network, and the Internet [Mitchell, Internet, col 7 lines 36-53].

15. As per claims 57,69 Mitchell-Rosenberg disclose said directing the first signal to a haptic device, the first signal configured to cause the haptic device to output a haptic sensation associated with the chat message as inherent feature of chat message.

16. As per claims 58,70 Mitchell-Rosenberg disclose displaying the chat message [Mitchell, chat session, col 12 lines 50-67].

17. As per claims 59,71 Mitchell-Rosenberg disclose extracting sound information from the chat message and generating a second signal associated with the sound information as inherent feature of chat message [see Matsumoto, Higuchi references].

18. As per claim 65, Mitchell-Rosenberg disclose code to associate the force information with a command input to the chat interface as inherent feature of chat message.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached at (703) 305-9703.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

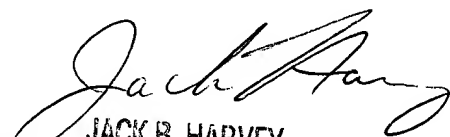
After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER